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TAGS: PREL KNNP ENRG TRGY IAEA PINR TSPL TPHY TNGD

MCAP, RS, LY

SUBJECT: LIBYA MOVING FORWARD ON NUCLEAR SPENT FUEL AGREEMENT

REF: A) TRIPOLI 674; B) 07 TRIPOLI 1065; C) TRIPOLI 599; D) TRIPOLI 639

CLASSIFIED BY: Joan Polaschik, Charge d'Affaires, U.S. Embassy
Tripoli, Department of State.

REASON: 1.4 (b), (d)

11. (C) Summary: Libya is moving toward completion of its commitment to return its highly-enriched uranium to Russia under the rubric of the tri-lateral agreement (TSCC) and, at this point, appears likely to meet the September 30 deadline for fuel transfer. The MFA informed the Charge August 27 that FM Musa Kusa had vested all authority to Dr. Ali Gashut, head of Libya's Atomic Energy Establishment, to complete negotiations on the agreement with U.S. counterparts and to arrange for a signing of the agreement within the coming weeks. As details of the agreement remain under negotiation, Gashut signed two other agreements allowing the Department of Energy to ship fuel casks to the Tajoura Nuclear Research Facility in order to prepare the fuel for transfer to Russia before September 30. Gashut approved the parallel Libya-Russia agreement for fuel transfer on behalf of the GOL on August 24. End Summary.

12. (C) The MFA informed the Embassy via diplomatic note August 20 that the Government of Libya had changes to the government-to-government nuclear spent fuel agreement (ref B) and formally presented those changes to visiting DOE experts August 24 during their visit to the Tajoura Nuclear Research Facility. The changes proposed involved auditing requirements after the fuel transfer, which DOE reviewed with the State Department's Legal Advisor on August 24. Dr. Ali Gashut, head of Libya's Atomic Energy Establishment and GOL lead on negotiating the agreement, said that he was informed that fifty percent of the GOL edits were acceptable to the USG. Gashut expressed preliminary approval of the compromise but requested a formal copy of the final agreement as approved by the USG. Embassy received a formal MFA request to the same effect via diplomatic note on August 27. MFA A/S-equivalent for the Americas Department Ahmed Fituri informed the Charge August 27 that Dr. Gashut had been given full authority to complete negotiations on the agreement by FM Musa Kusa and had been charged with completing the agreement in time for Libya to meet its September 30 deadline for transferring its nuclear spent fuel to Russia for treatment and disposal (septel).

PARALLEL LIBYA-RUSSIA AGREEMENT MOVING FORWARD

13. (C) During the August 24 meeting between Gashut and DOE experts, Gashut approved the parallel Libya-Russia agreement on the fuel transfer with Russian interlocutors, who were also

present during the meeting. The Russian interlocutors passed the agreement back to Moscow for formal approval and issuance of a formal decree regarding the Russian commitment to treat and dispose of Libya's nuclear spent fuel. The Russian team expects the Government of Russia to send a high-level representative to Tripoli for a formal signing ceremony with Musa Kusa after the decree has been issued. [Note: Gashut asked the GOR to send PM Putin or President Medvedev for the signing, which the Russian side thought was unlikely to happen. End note.]

PREPARATIONS FOR SEPTEMBER DEADLINE

¶4. (C) While the U.S.-Libya agreement was being ironed out and prepared for signature, Gashut agreed to allow the DOE to send immediately to the Tajoura facility the fuel casks that will contain the nuclear spent fuel. He also assured the DOE experts that he would work to expedite their visa renewal requests in order to allow them to return to Tripoli to prepare the casks and train Libyan scientists to pack the casks during the third week of September.

¶5. (C) Comment: The GOL is working quickly to meet the September 30 deadline for nuclear fuel transfer. The MFA has proposed that we first initial the agreement at the experts-level, to ensure that work proceeds while arrangements are made for a later, formal signing ceremony between the FM and the Ambassador. The MFA is also preparing to sign the parallel Libya-Russia agreement on fuel transfer with a similarly formal ceremony. Libya's efficient work over the last month, and since A/S Feltman and the Ambassador raised the urgency of the issue with the FM (refs C, D), has been impressive. The Embassy is pleased that Libya is committed to fulfilling its nuclear spent fuel obligations as a sign of its desire to maintain positive momentum in the bilateral relationship. We will continue to work closely with the Libyan authorities to ensure the September 30 deadline is met. End Comment.

POLASCHIK